

PCT WRITTEN OPINION (PCT Rule 66)

Date of Mailing: 12 July 2005

Period for Reply: 2 months from the above date of mailing

International application No.: PCT/JP03/12367

International filing date: 26 September 2003

Priority Date: None

IPC: A61B17/22, 17/32

Applicant: Johnson & Johnson K. K.

1. This is the first Written Opinion prepared by the International Preliminary Examining Authority.
2. This report contains indications relating to the following items:
  - I ☒ Basis of the report
  - II ☐ Priority
  - III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☒ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is requested to reply to this Written Opinion.

When? See the above due date. Before that date, the applicant can request extension to the Authority under PCT Rule 66.2(d). However, the extension will be approved only when reasonable reason exists and time schedule admits.

How? According to PCT Rule 66.3, an Amendment can be submitted. As to its format and language, PCT Rule 66.8 and 66.9 can be referred.

Further comments Additional opportunity to submit Amendment is referred to in Rule 66.4.

In case of no response The International Preliminary Examination report will be prepared on the basis of this Written Opinion.

4. The final due date for preparing the International Preliminary Examination Report is 26 January 2006 in accordance with Article 69.2.

I. Basis of Written Opinion

1. This Opinion was prepared on the basis of the following filing documents.

- ☒ the international application as originally filed.
- ☐ the description:
  - pages \_\_\_\_ as originally filed
  - pages \_\_\_\_ , filed with the demand
  - pages \_\_\_\_ , filed with the letter of \_\_\_\_ .
- ☐ the claims:
  - pages \_\_\_\_ , as originally filed
  - pages \_\_\_\_ , as amended (together with any statement) under Article 19
  - pages \_\_\_\_ , filed with the demand
  - pages \_\_\_\_ , filed with the letter of \_\_\_\_ .
- ☐ the drawings:
  - pages \_\_\_\_ , as originally filed
  - pages \_\_\_\_ , filed with the demand
  - pages \_\_\_\_ , filed with the letter of \_\_\_\_ .
- ☐ the sequence listing part of the description:
  - pages \_\_\_\_ , as originally filed
  - pages \_\_\_\_ , filed with the demand
  - pages \_\_\_\_ , filed with the letter of \_\_\_\_ .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_ which is:

- ☐ the language of a translation furnished for the purpose of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purpose of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in printed form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of
- ☐ the description, pages \_\_\_\_
  - ☐ the claims, Nos. \_\_\_\_
  - ☐ the drawings, sheets/fig. \_\_\_\_
5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims 1-17	YES
	Claims	NO
Inventive Step (IS)	Claims 3, 5, 8, 11-14, 17	YES
	Claims 1, 2, 4, 6, 7, 9, 10, 15, 16	NO
Industrial Applicability (IA)	Claims 1-17	YES
	Claims	NO

2. CITATIONS AND EXPLANATIONS

D1: JP 2003-88350 A (NAKAO Masayuki)

D2: JP 05-56984 A (NISSHO CORP.)

D3: Japanese Utility Model Registration Application 3-5635

(Japanese Utility Model Registration Application Publication 4-88919)

Microfilm containing specification and drawings attached to request for application thereof

(ANGIOMED AKTIENGESELLSCHAFT)

D4: JP 08-238245 A (KAI CUTLERY CENTER CO.)

D5: WO 94/10919 A1 (SCIMED LIFE SYSTEMS, INC.)

Claims 1, 4, 6 and 7 lack inventive step in view of Documents 1 and 2.

It is easily done by a person skilled in the art to apply an art of integrally forming a plurality of individual minute cutting blades on a base material of a cutter on surface of rotating cutter described in Document 2 to the treating device of Document 1, which pertains to the same technical field.

Claims 2 and 15 lack inventive step in view of Documents 1, 2 and 3.

It is easily done by a person skilled in the art to apply an art of providing reciprocation mechanism allowing axial reciprocating motion described in Document 3 to the treating device of Document 1, which pertains to the same technical field.

Claim 9 lacks inventive step in view of Documents 1, 2, 3 and 4.

It is easily done by a person skilled in the art to apply an art of mirror-fining process to blade members described in Document 4 to the treating device of Document 1, which pertains to the same technical field.

Claims 10 and 16 lack inventive step in view of Documents 1, 2, 3 and 5.

It is easily done by a person skilled in the art to apply an art of coat-fining a surface of a cutter described in Document 5 to the treating device of Document 1, which pertains to the same technical field.

VI. Certain documents cited

1. Certain published Documents (Rule 70.10)

<u>Applicant No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
JP 2003-290239 [E, X]	14.10.2003	29.03.2002	

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure</u> <u>(day/month/year)</u>	<u>Date of written disclosure</u> <u>referring to non-written disclosure</u> <u>(day/month/year)</u>